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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,730	03/18/2004	Edward P. Busam	20236	6016
66061 7590 07/22/2010 MEADWESTVACO CORPORATION ATTN: IP LEGAL DEPARTMENT 1021 MAIN CAMPUS DRIVE RALEIGH, NC 27606				
EXAMINER				
ADDRESSEE, SARA				
ART UNIT		PAPER NUMBER		
3724				
NOTIFICATION DATE		DELIVERY MODE		
07/22/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

Office Action Summary

Application No.

10/803,730

Applicant(s)

BUSAM ET AL.

Examiner

SARA ADDISU

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25, 31-33 and 45-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 45 is/are allowed.
- 6) ☒ Claim(s) 22-25, 31, 32, 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED OFFICE ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pocket being opened from either of said first and second sides by releasing only one of said first and second releasable fastening mechanisms" (as claimed in claims 46) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. (SEE 112 rejection for further explanation).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 48 and 49 are objected to because of the following informalities:

- Claim 48 recites "a first releasable fastening mechanism positioned on or between said first panel and said first cover...". Applicant should specify for the "on" option, if the fastening mechanism is on the first panel or on the first cover.
- Claim 49 recites "a second releasable fastening mechanism positioned on or between said second panel and second cover...". Applicant should specify for the "on" option, if the fastening mechanism is on the second panel or on the second cover.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 46 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a

way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 46 recites: "The binder of claim 22, wherein said pocket may be opened from either of said first and second sides by releasing only one of said first and second releasable fastening mechanisms". Further review of the Specification and Drawings shows that the pocket is opened from the first side only when the first releasable mechanism is released and the pocket is opened from the second side only when the second releasable fastening mechanisms is released.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-25, 31, 32 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malooly (USP 3,912,055) in view of Elias et al. (Re. 29,751).

MALOOLY teaches a first cover (22) pivotally coupled to a second cover (12), both of said covers being generally flat and planar; said first cover including an opening (36) and having a first side (A1) and a second side (A2 being parallel to A1: see figure

below); and a pocket coupled to said first cover and generally received in said opening, said pocket including a first panel (26) and a second panel (42) defining a pocket cavity there between, said first panel (26) being larger than said opening (see figures 1 and 4) and at least portions or tabs (54) of the second panel (42) extending outwardly beyond said opening (see figures 1-4 and col. 3, lines 5-20). MALOOLY also teaches a first releasable fastening mechanism (32) positioned to releasably join said first panel (26) and said first side of said first cover (22) (see figures 1 and 4). Furthermore, regarding claim 22, MALOOLY teaches the second panel (42) is preferably provided with stop means to engage the ledges or stop elements (50), so as to prevent the second panel (42) from swinging out of the first cover (22) ('055, col. 3, lines 7-10). Regarding claims 23 and 24, MALOOLY teaches in figure 1, the pocket and its cavity being accessed from the outside and in figure 3, the pocket being accessed from the inside of the first cover. Regarding claim 25, when the first panel fastening mechanism (32) is undone, the first panel (26) can be pivoted away from the front cover 22 to its position shown in figure 1 whereby this configuration, the first panel (26) pulls the side panels (46) and portions of the pocket and pocket cavity through the opening (36) of the front cover (22) such that generally all of the pocket cavity is located on the first side (A1) of the first cover (22) and generally no portion of the pocket cavity is located on the second side (A2) of the first cover (22) thus, portions of the pocket and pocket cavity are pulled to the first side (A1) of the first cover (22) such that the pocket cavity can be accessed and components can be placed into and removed from the pocket /pocket cavity by a user without having to reach through or break a plane formed by the first cover (22).

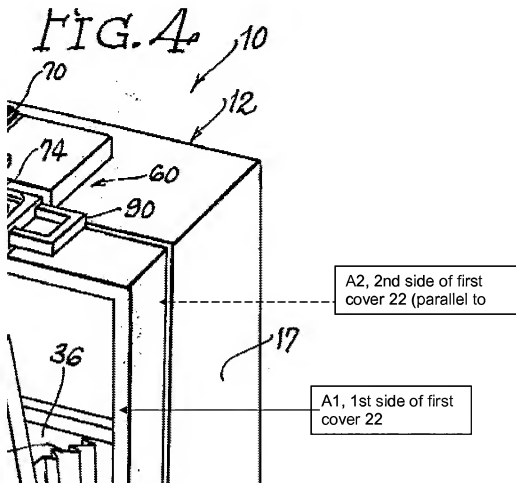
Similarly, when it is desired to access the pocket from the second side (A2) of the first cover (22), the second panel (42) is pivoted inwardly (as shown in figure 3) thereby pulling portions of the side panels (46) and pocket cavity through the opening (36) such that in this manner, portions of the side panels (46) and pocket cavity are located on the second side (A2) and inwardly of the plane of the first cover (22) so that components can be added to or removed from the pocket cavity without a user having to reach to the first side (A1) or reach across or break the plane of the first cover (22). In this position, generally the entire pocket cavity is located on the second side (A2) of the first cover (22). Regarding claim 31, figure 1, shows the first panel (26) pivoting independently and figure 3 shows the second panel (42) pivoting independently. Please note that, although MALOOLY is a suitcase and not a binder, Examiner stresses that it functions the same way as a binder which is to act as a means of storage thus reads on the claims.

However, MALOOLY fails to teach a second releasable fastening mechanism.

ELIAS ET AL. teaches a document supporting part of the bar (i.e equivalent to tab 54 of MALOOLY) being adapted to be held in a releasable fastening mechanism (82) ('751, figures 1 and 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify MALOOLY such that releasable fastening mechanism is applied to the first cover to hold MALOOLY's tab (54), as taught by ELIAS ET AL. for the purpose of providing a stop the second panel thus prevent any documents/items from spilling out when the first and second panels are swung open. Also note that to support this idea, MALOOLY teaches the second panel (42) is

preferably provided with stop means to engage the ledges or stop elements (50), so as to prevent the second panel (42) from swinging out of the first cover (22) ('055, col. 3, lines 7-10).



Allowable Subject Matter

5. Claims 33 and 45 are allowed.

Response to Arguments

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/
Examiner, Art Unit 3724
7/17/10

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724